

**REGULAR MEETING
CITY COUNCIL
June 2, 2005**

ROLL CALL:

MR. WOJCIK, MR. DUNNE, MR. JUDGE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MR. ARMET, MS. MESSICK, MRS. MAHAR DERGURAHIAN
ABSENT:

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Ordinance No. 1a Date June 2, 2005
Introduced by Council Member Wojcik
At the request of Administration Seconded by Krogh

ORD. #1(a)

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

TRI-CITY HOMES, INC.

112.66-12-12

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, May 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 7

Noes: 2

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Not Endorsed and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 1b **Date** June 2, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Dunne

ORD. #1(b)

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
 PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
 LOCATED IN THE CITY OF TROY AND ON THE
 ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

FRANCIS J. and LOIS H. SCHAFER

80.423-11

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, May 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:**Ayes: 6****Noes: 3 – Judge, Collier, DerGurahian****Abstain: 0**

Sent to the Mayor for Executive Action 6-06-05 - Not Endorsed and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 1c **Date** June 2, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Dunne

ORD. #1(c)

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
 PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
 LOCATED IN THE CITY OF TROY AND ON THE
 ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

RIVER TRIANGLE COMPANY 101.45-5-8 and 101.53-3-1.21

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, May 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance FAILED by the following vote:**Ayes: 0****Noes: 9**

Abstain: 0

Ordinance No. 2 **Date** June 2, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Krogh

ORD. #2

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM LIBERTY MUTUAL INSURANCE
 COMPANY a/s/o DANIEL LUBKING**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The City of Troy Council authorizes the office of the Corporation Counsel to settle this litigation pursuant to the terms and in the amount identified in the attached Memorandum of Support. The Corporation Counsel shall obtain a Stipulation of Discontinuance and General Release in full satisfaction of the claim prior to payment.

Section 2. This ordinance shall become effective immediately.

Approved as to form, May 26, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 **Date** June 2, 2005
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Collier

ORD. #3

**ORDINANCE AUTHORIZING CAPITAL FUND TRANSFERS WITHIN THE CAPITAL
 FUND FOR THE PURPOSE OF RECONCILING VARIOUS OVEREXPENDED ACCOUNTS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy CAPITAL BUDGETS are herein amended as set forth in Schedule A entitled:

2005 Capital Fund Transfer

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, May 26, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** June 2, 2005
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Collier

ORD. #4

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A
entitled:

2005 June Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, May 26, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date June 2, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Mahoney

ORD. #5

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO
 ACCEPT A DONATION FROM A BENEFACTOR WHO WISHES TO REMAIN
 ANONYMOUS TO BE USED FOR THE PURCHASE OF POLICE EQUIPMENT**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2005 City Budget is hereby amended to accept funds within the 2005 Police Department Operating Budget as provided in Schedule "A" entitled:

"Police Department Equipment"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, May 26, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date June 2, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Krogh

ORD. #6

**ORDINANCE AMENDING THE 2005 GENERAL FUND
 PLANNING DEPARTMENT BUDGET TO CREATE AN ADMINISTRATIVE POSITION
 NECESSARY FOR AND FUNDED BY THE COMMUNITY DEVELOPMENT BLOCK
 GRANT PROGRAM**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The 2005 General Fund Planning Department Budget is herein amended as set forth in “Schedule A” entitled

“CDBG POSITION”

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, May 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7 **Date** June 2, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** Wojcik

**Ord
#7**

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE GENERAL FUND
BUDGET LINES FOR THE PURPOSE OF FUNDING CERTAIN COMMUNITY AGENCIES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

“Community Enrichment Transfer”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form,

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No.	<u>8</u>	Date	<u>June 2, 2005</u>
Introduced by Council Member	<u>Collier</u>		
At the request of	<u>Administration</u>	Seconded by	<u>Wojcik</u>
Motion to Amend Schedule A	<u>Collier</u>	Seconded by	<u>Wojcik</u>

ORD. #8

ORDINANCE AUTHORIZING AND APPROVING THE FILING
OF THE CITY OF TROY'S APPLICATION FOR FUNDS PURSUANT TO THE
HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, THE MCKINNEY ACT
EMERGENCY SHELTER GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP
PROGRAM AND DESIGNATING THE MAYOR AS THE AUTHORIZED REPRESENTATIVE OF
THE CITY FOR SUCH PURPOSES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy's consolidated plan grant funding for 2005-2006 program year is set forth in the notice of proposed project funding, identified as Schedule A, which is attached hereto and made a part hereof. The Mayor on behalf of the City of Troy be and hereby is designated as the authorized representative of the City of Troy to act in connection with the filing of an application for funds pursuant to the United States Housing and Community Development Act of 1974, the McKinney Act Emergency Shelter Grant Program, and the HOME Investment Partnership Program.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute all contracts, documents, and other instruments in furtherance of implementing all projects associated with and described in such application and to use such funds pursuant to such application as described in the attached Schedule A and undertake other such actions and provide such additional information as may be required in furtherance thereof.

Section 3. This act will take effect immediately.

Approved as to form, April 29, 2005

David B. Mitchell, Corporation Counsel

Motion to Amend Schedule A by Collier; seconded by Wojcik:

Ayes: 9

Noes: 0

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 – Dunne

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
 SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date June 2, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Collier

RES. #1

**RESOLUTION AUTHORIZING ISSUANCE OF A
 COMMERCIAL LESSOR'S BINGO LICENSE TO
 BINGO GREEN, INC., DOING BUSINESS AS "TROY ATRIUM BINGO"**

WHEREAS, Bingo Green, Inc. has, pursuant to the General Municipal Law, filed an application asking that the City issue it a commercial lessor's bingo license; and

WHEREAS, the City Council of the City of Troy has held a public hearing to determine if there is a need and a public advantage to having a commercial lessor's license issue; and

WHEREAS, it appears that Bingo Green, Inc. has satisfied all of the requirements to have a commercial lessor's bingo license issue to it;

NOW, THEREFORE, IT IS DETERMINED THAT there exists a public need and the public advantage will be served by the issuance of a commercial lessor's bingo license to Bingo Green, Inc.; and it is further

RESOLVED that the City Clerk of the City of Troy, on behalf of the City Council of the City of Troy, shall issue a commercial lessor's bingo license to Bingo Green, Inc. permitting it to lease space to qualified organizations to conduct bingo games within the City of Troy, as more particularly set forth in its application filed requesting such license issue all in compliance with and under the restrictions contained in the General Municipal Law of the State of New York; and it is further

RESOLVED that said license shall be valid for a period of not more than one (1) year from the date it is first issued; and it is further

RESOLVED that if at the end of the license period Bingo Green, Inc. should decide to apply for a renewal of its license, said renewal application shall come before the City Council for renewal and shall not be issued merely upon the approval of the City Bingo Inspector.

Approved as to form, May 26, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date June 2, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Krogh

RES. #2

**RESOLUTION AUTHORIZING THE PAYMENT
OF THE INVOICE OF JOHN T. CASEY, JR.**

WHEREAS, the City Council, at its November 2002 meeting, approved a resolution authorizing the hiring of John T. Casey, Jr. to render legal service with regard to monies paid to Salerni & Boyd, Inc., and

WHEREAS, payment for services rendered have been made in full except those payments due for disbursements as defined in Schedule "A" attached hereto and made a part hereof, and

WHEREAS, the City Council desires this bill to be paid from the budget of the office of the Corporation Counsel.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy, New York hereby authorizes and directs the Corporation Counsel to pay this invoice in full.

Approved as to form, May 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date June 2, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Judge
Amended by Judge

RES. #3

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, May 26, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4a Date June 2, 2005
Introduced by Council Member Collier
At the request of Administration Seconded by Armet

**RESOLUTION AUTHORIZING THE FRIENDS OF WASHINGTON PARK, INC. TO
SUBMIT A GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS,
RECREATION AND HISTORIC PRESERVATION FOR FUNDING TO RECONSTRUCT
WASHINGTON PLACE**

WHEREAS, the Friends of Washington Park, Inc., desire to reconstruct Washington Place to maintain its historic nature, and

WHEREAS, the Friends of Washington Park, Inc, desire to accomplish this reconstruction at no cost to the City of Troy, and;

WHEREAS, the New York State Environmental Protection Fund offers a historic preservation grant component which would assist in accomplishing this objective, and;

WHEREAS, the Friends of Washington Park, Inc., request a resolution from the City Council of the City of Troy to authorize the filing of this grant application, and

NOW THEREFORE BE IT RESOLVED THAT, the City Council of the City of Troy hereby authorizes and directs the Friends of Washington Park, Inc. to file the application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed (\$60,000), and upon approval of the said request to enter into and execute a project agreement with the State for such financial assistance to the Friends of Washington Park, Inc. for the reconstruction of Washington Place and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Approved as to form, May 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 1 - Messick

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4b **Date** June 2, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** Judge

RES. #4b

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO SUBMIT A
GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION TO MAKE IMPROVEMENTS TO KNICKERBOCKER PARK**

WHEREAS, the City of Troy desires to make improvements to Knickerbocker
Park, and

WHEREAS, the New York State Office of Parks, Recreation and Historic
Preservation offers funding through the Parks Development Program that would assist
in accomplishing this objective.

NOW THEREFORE BE IT RESOLVED THAT, the City Council of the City of
Troy hereby authorizes and directs and authorizes the Mayor of the City of Troy to file
the application, on behalf of the City or any other authorized applicant as defined in the
grant application, for funds from the New York State Office of Parks, Recreation and
Historic Preservation in accordance with provisions of Title 9 of the Environmental
Protection Act of 1993, in an amount not to exceed (\$25,000), and upon approval of the
said request to enter into and execute a project agreement with the State for such

financial assistance to the City of Troy for improvements to Knickerbocker Park and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Approved as to form, May 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4c Date June 2, 2005
Introduced by Council Member Collier
At the request of Administration Seconded by Armet

RES. #4c

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO SUBMIT A
GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION FOR THE ESTABLISHMENT OF INTERPRETIVE SIGNAGE
FOR HUDSON MOHAWK HERITAGE AREA SYSTEM**

WHEREAS, the City of Troy desires to support the Hudson Mohawk Heritage Area System through the establishment of interpretive signage, and;

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation administers the Heritage Area Grant Program that would assist in accomplishing this objective.

NOW THEREFORE BE IT RESOLVED THAT, the City Council of the City of Troy hereby authorizes and directs the Mayor of the City of Troy to file the application, on behalf of the City or any other authorized applicant as defined in the grant

application, for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed (\$30,000), and upon approval of the said request to enter into and execute a project agreement with the State for such financial assistance to the City of Troy for establishment of interpretive signage and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Approved as to form, May 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4d **Date** June 2, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** Messick

RES. #4d

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO SUBMIT A
GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION TO STABILIZE THE PROCTORS THEATER BUILDING**

WHEREAS, the City of Troy desires to stabilize the Proctors Theater building,
and;

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation offers funding through the Historic Preservation Program that would assist in accomplishing this objective,

NOW THEREFORE BE IT RESOLVED THAT, the City Council of the City of Troy hereby authorizes and directs the Mayor of the City of Troy to file the application, on behalf of the City or any other authorized applicant as defined in the grant application, for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed (\$125,000), and upon approval of the said request to enter into and execute a project agreement with the State for such financial assistance to the City of Troy for stabilization of the Proctors Theater building and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Approved as to form, May 27, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 6-06-05 - Approved and returned 6-14-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting adjourned 8:50 pm